

OGC Has Reviewed

DCI/IC 75-4714
5 January 1976

MEMORANDUM FOR: Deputy to the DCI for the Intelligence Community
SUBJECT : Status of Action Plan Task Group actions
on "Issues and Answers" Papers

1. The following is a summary of what has been accomplished to date re responses to the list of 16 "Issues and Answers" topics considered by the Action Plan Task Group. A separate memorandum has been prepared on the "Sensitive Issues and Allegations" papers.

No. 1: What should be the position, role and functions of the senior U.S. foreign intelligence officer?

The initial paper, dated 20 October, which contained a matrix of action alternatives, was sent to the DCI on 21 October (DCI/IC 75-3916). He returned it 30 October with the note: "Thanks - although I differ a bit with the way the options appear - and with the recommended ones - but it is a way to force a few decisions."

A redraft which accommodated the DCI's notes was resubmitted to him on 3 November and was reviewed by the Task Group on 4 November.

The second version was distributed to ICG members, along with other completed Action Plan Task Group reports, on 10 November and was available to White House staff members.

No further Task Group action is required. This problem was subsumed in the OMB (Ogilvie) task group "Draft Report to the President on Organization and Management of the Foreign Intelligence Community, "16 December 1975 (I/R-75/S-665).

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No. 2: How should strengthened Executive Branch oversight of foreign intelligence activities be exercised?

The Task Group agreed no action need be taken on this topic pending decision as to need in view of other actions under way. The problem was subsumed in the report of the CIA Study Group's [REDACTED] Report"--American Intelligence: A Framework for the Future," dated 13 October 1975, which the DCI sent to the President--and in the later OMB "Ogilvie Group" paper cited above.

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No Task Group paper on this subject is required.

No. 3: By what mechanism should Congressional oversight of the Intelligence Community best be exercised?

Background papers were provided by OLC - a "Working Paper on a Joint Committee on Intelligence," including the draft Broomfield bill (HR 8199), and a point paper on the same subject, listing pros and cons. On 4 November [REDACTED] provided a draft memorandum on "Congressional Oversight of the Intelligence Community."

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The Task Group chairman, on 19 November, forwarded the DCI a paper, "Congressional Oversight," dated 18 November. The DCI returned the paper with numerous notes, including disagreement with the recommendation that the Executive Branch not be publicly assertive in the need for change in the manner Congress exercises oversight. Mr. Colby's general comment was: "I think this has to be the subject of interagency discussion via the [REDACTED] group."

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The "Legislative Package" which the DCI sent to Mr. [REDACTED] on 28 November (and which received ICG dissemination) included (Tab K) a brief analysis of 17 pending bills under the title, "Proposals on Congressional Oversight of Intelligence."

On 5 December [REDACTED] provided a "Prepared Statement on Oversight: Talking Points," for DCI use as appropriate, which was followed by [REDACTED] draft of a DCI address on oversight. Follow-on action was to be an OLC responsibility.

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No further Task Group action on this topic is needed.

No. 4: How to insure retention of covert action capability? Where should this capability reside?

The SA/DDO advised the Task Group that DDO was preparing two papers for DCI use on this subject. These became a report, "Covert Action: Definitions, Legislative Authorities, and Future Perceptions," dated 17 October (which responded to a 2 June letter from the chairman, Senate Select Committee) and a statement for DCI use in executive session before the Senate Select Committee on 23 October.

In the D/DCI/IC report on 21 November to the DCI on "Position Papers," it was noted that re Topic No. 4 two DDO papers used at the Senate Select Committee hearing on covert action responded and no further statement was considered needed. On 25 November the DCI returned the report with a note on Topic No. 4: "Are they a formal part of the record?"

Check with the SA/DDO indicates that they are.

No further Task Group action is called for.

No. 5: What is to be the mechanism for production of NIEs?

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[REDACTED] first draft of 17 October was revised and resubmitted after consideration by the NIOs and went to the DCI on 4 November titled "Production of National and other Intelligence Estimates." (DCI/IC 75-3941.)

Mr. Colby returned the paper on 14 November with this note:

"I confess a strong view in support of NIOs and against a BNE.

"a. The BNE inclines to fuzz and pontification of dubious quality. The NIO inclines to sharper focus on direct policy support.

"b. We must merge substance and management or the latter becomes sterile.

"c. The NIO is more inclined to reflect variations in judgments in the Community. The BNE is more inclined to "resolve" or reject them.

"d. The NIO energizes the Community. The BNE is more apt to generate competitive efforts or end runs.

"e. We need substantive officers to orchestrate collection for the DCI - by specialty."

General Wilson passed a copy of the DCI comments to [REDACTED] on 18 November (DCI/IC 75-3859).

A position paper, "How best to produce estimates," dated 28 November was passed to the DCI and included in his briefing book for appearances before the SSC on 11 December and HSC on 12 December.

No further action on this topic is required.

No. 6: How can Executive and Legislative Branches best be assured that foreign intelligence activities are conducted with due respect to the Constitutional rights of American citizens?

The Deputy GC provided a draft "Impact of Various Legislative Proposals on Foreign Intelligence Activities," on 21 October. Written comments were provided by the SA/DDO on 23 October reflecting DDO concerns with the paper.

OGC reported to the Task Group on 25 November; it was in continuing dialogue on this topic with the Department of Justice.

A completely redone OGC paper, dated 5 December, included a listing of 43 "core activities" concerning which CIA requires operating authority. This paper was sent to the DCI (DCI/IC 75-3990) that same date. Mr. Colby returned the paper on 29 December with a comment: "Good job. We should be sure these points are included on a check list to be covered in any possible legislation." He assigned action to the CIA Review Staff.

On 9 December the Task Group considered whether to propose that the 43 "core activities" be forwarded to the chairmen of the Select Committees and decided not to recommend such.

No further Task Group action is needed.

No. 7: How can Congressional need for substantive foreign intelligence best be accommodated?

The original DDI/OSR draft, "Provision of Substantive Intelligence to the Congress," was revised 4 November after Task Group consideration, and submitted to the DCI. He returned it 14 November with the comment: "Good paper" and proposed several changes. The paper was revised to reflect these changes, and on 19 November General Wilson advised the Director of Strategic Research, DDI, no further action was needed at that time (DCI/IC 75-3861).

In response to the DCI's later request for "position papers" one was prepared, dated 3 December, and included in the DCI's notebook for his 11 December appearance before the SSC and 12 December appearance before the HSC.

No further Task Group action is indicated.

No. 8: How can we tell the intelligence story better?

Angus Thuermer provided an action plan input on 1 October, including a proposed notice on "Public presentations." This was followed on 6 October with a listing of "possible articles or public presentations," and on 10 October with "Some items for discussion." Comments on the Asst/DCI papers led to a 30 October paper, "Telling the Intelligence Story," which went to the DCI, who returned it to Thuermer 10 November with the comment "Can we discuss further at 5:30 meeting." Meanwhile, a 4 November version of the paper had been prepared.

On 21 November Mr. Thuermer advised the Task Group members by memorandum the DCI had approved several suggestions sent to him, and Mr. Thuermer solicited assistance in identifying topics and spokesmen.

In a 29 December note to the Asst/DCI, Mr. Colby returned the earlier memorandum and suggested positive proposals be prepared for consideration by the Management Committee and the new DCI on the ways to assist the public toward a better understanding of intelligence.

No further Task Group action on this item appears to be required.

No. 9: What is the Agency position on various draft administration legislative proposals? How best to make proposals?

On 14 November [REDACTED] provided two OLC papers, "Areas of Potential Legislation Relating to the Intelligence Community," and "Major CIA Legislative Objectives." Following review and revision these were included as Tabs A and C of the legislative notebook which the DCI sent to [REDACTED] on 28 November, and which was distributed to all IGC members.

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On 21 November [REDACTED] discussed with the Task Group a legislative matrix he was preparing. This matrix (in two parts: Organizations and Functions, and Fiscal Controls) was reviewed by the Task Group on 25 November, and filled in to recommend a DCI for/against position on each item. As amended by the DCI, this completed matrix was included as Tab B in the legislative notebook the DCI sent to the White House on 28 November.

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There is no current indication any further action will be needed on this topic.

No. 10: What should be the DCI's philosophy on secrecy? How and to whom should it be expressed? How should present classification systems be overhauled?

Response to this topic has been handled outside the Action Plan Task Group program.

Following a discussion concerning secrecy problems between the DCI and the PFIAB on 7 August, the IC Staff prepared a concept paper, "The Application of Security Classifications and Compartmentation in Intelligence Activities," dated 13 August, which was provided to the DCI. In a separate effort, [REDACTED], OS/DDA, developed "A Concept for Security and Compartmentation of Foreign Intelligence," an advanced draft of which, dated 24 November, was sent to the DCI. He returned it on 29 December with marginal notes and the comment: "Excellent." (ER-75-9481/1 and /2.)

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Meanwhile, [REDACTED], as a consultant to the D/DCI/IC, wrote a nine-page memorandum on "The Secrecy Problem," dated 21 November, which he reviewed with the DCI on 20 November.

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On 26 November the D/DCI/IC met with the chairmen of the USIB COMIREX, SIGINT and Security Committees and tasked preparation of an action study proposal involving use of a group of high-level intelligence officers to frame policy recommendations.

The resulting proposal was reviewed by the DCI, who approved the course of action proposed.

He followed this on 30 December with a note to the D/DCI/IC: "In your 'retreat' on security and compartmentation could you also reopen the question of making the simpler forms of COMINT plain 'secret' Nofor, without any codeword, analagous to our TK success?" (ER-75-10219/2.)

Action is proceeding on this project and no Action Plan Task Group participation is needed.

No. 11: What organizational improvements can be made to improve the internal command and control of CIA?

On 16 October [REDACTED] provided a paper, "Record of CIA Internal Program to Strengthen Command and Control," (IG-75-3700) and on 20 October [REDACTED] a paper on "Contin- gencies: Allocation and Control of Resources-CIA."

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On 20 October General Wilson asked [REDACTED] to draft a paper which would face up to the kind of charges being publicly made and indicate CIA initiatives (DCI/IC 75-3913).

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[REDACTED] provided a brief paper on 28 October, "Agency Command and Control," which went to the DCI on 3 November. Mr. Colby approved this draft subject to one change. He noted the recommendation (para 4a) was "Too big a project - why not just the current procedures, and then recommendations for improvement."

The revised paper, dated 7 November was forwarded to the IG on 7 November for action (DCI/IC 75-3947).

Don Chamberlain sent a memorandum to the DCI on 3 December, "Management Objectives as an Element in CIA Command and Control," (IG-75-4170), recommending a study outline. General Wilson's comment to the DCI on 5 December was: "IG proposal is sound on its own merits, although it will have no impact on the Congressional Committee hearings and findings."

On 18 December Mr. Colby returned the memorandum with a one-word comment: "Good." General Wilson wrote the IG on 19 December advising the DCI had approved the IG recommendations (DCI/IC 75-4702).

No further Task Group action is indicated.

No. 12: Should GAO have audit authority over all CIA funds? If so, how should such audits be controlled to avoid disclosure of sources and methods?

On 20 October, John McMahon provided a working draft prepared by a GAO Audit Task Force (DDA-75-4955). He followed this on 10 November with a second draft (DDA-75-5336), with OLC and OGC comments. Mr. McMahon suggested that since the DCI had directed the GAO Audit Task Force to prepare the paper for him, the Action Plan Task Group should drop this topic. This was agreed.

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The GAO Audit Task Force, headed by [REDACTED], Deputy Director for Plans and Systems, DDA, completed its final report on 5 December. (DDA-75-5800.)

No Action Plan Task Group action is called for.

No. 13: How do we get sources and methods protective legislation passed?

OLC accepted action on this on 24 October and produced a "tactics paper" which was followed by a more detailed memorandum on 7 November. It was agreed OGC also should be involved since discussions with the White House and Department of Justice were required. The problem was discussed at several Task Group sessions, and differences between OLC and OGC were worked out, resulting in submission of a final paper by OLC on 11 December.

The paper is devoted to backup material supporting two recommendations:



The 11 December paper was included as a backup item in the DCI's briefing notebook for his 12 December appearance before the House Select Committee on "The Future of Intelligence." It was resubmitted to him later for individual consideration.

A package on "Proposed Legislation: Unauthorized Disclosure of Intelligence Sources and Methods," was included as Tab I in the "legislative notebook" the DCI provided to Mr. [redacted] and members of the IGC on 28 November. This was the same material the DCI had sent to the Director, OMB, on 23 April 1975.

No further Task Group action is called for at this time.

No. 14: What is the proper CIA-FBI relationship?
What are the proper CIA relationships
with other agencies: USSS, DEA, etc.?

An Office of Security/DDA memorandum on "Special Relationship Between the Office of Security and the Federal Bureau of Investigation," dated 4 November was provided by John McMahon on 5 November (DDA-75-5244).

On 10 November, Mr. McMahon submitted a memorandum, "CIA Relationship with State Department," (DDA-75-5328) enclosing an Office of Security memorandum on this topic.

Also on 10 November, the SA/DDO provided a memorandum, "Relationship Between the Agency and Other Elements of the National Executive," (SA/DDO/75-93).

On 12 November, Mr. McMahon by memorandum (DDA-75-5384), provided two Office of Security memoranda on special relationships between OS and the US Secret Service and between OS and the Department of Defense.

Mr. McMahon completed the DDA input on 18 November with the memorandum (DDA-75-5470) from the Office of Security on "CIA Relationships with Other Agencies."

All of the DDA memoranda were informative in nature, and made no recommendations. The DDO memorandum recommended any Task Force action be delayed until a final version of NSCID NO. 9 is approved.

In the D/DCI/IC memorandum to the DCI on 21 November (DCI/IC 75-3974) listing proposed position papers, the comment on Topic No. 14 was: "This is not considered a suitable topic for a paper to go to the Congressional committees." In his response, Mr. Colby wrote alongside this entry: "We better have a position."

In reply, the SA/DDO provided a memorandum on 2 December (SA/DDO/75-135) stating that:

"The DDO position was that no action was required pending the final version of NSCID No. 9. We would like to reaffirm our statement that NSCID No. 9 should be a satisfactory response to the Congressional Committee."

The Special Assistant to the President for National Security Affairs has held up passing NSCID No. 9 to the President for approval pending written confirmation that the Attorney General has personally approved the NSCID. (In the coordination process, a Deputy Attorney General had signed off.)

No further Action Plan Task Group action on this topic is indicated.

No. 15: How can better cover arrangements be provided for CIA personnel overseas?

The SA/DDO provided a draft paper, "The Future of Cover," (prepared by CCS/DDO) on 11 November. Somewhat revised, it was considered by the Task Group on 14 November, and again amended.

In the D/DCI/IC memorandum to the DCI on 21 November (DCI/IC 75-3974) commenting on possible position papers, the notation on Topic No. 15 was:

25X1A "Legislative aspects of this problem will be covered in the study now under way (in response to [REDACTED] request) concerning possible legislation. No separate statement for the SSC/HSC is considered appropriate since this is essentially an Executive Branch problem."

Mr. Colby's handwritten response on 25 November was: "We need to generate some support on this." And he put a question mark on the last sentence quoted above.

Meanwhile, the D/DCI/IC sent the revised DDO paper to the DCI on 24 November, (DCI/IC 75-3975).

Mr. Colby responded on 26 November with the following handwritten note:

"An excellent and helpful memo - Let's take it as a start, not a finish.

"I agree that we should make (another) new start.

"Is there any legislative language which would help us, i.e., what other departments help us in our foreign intelligence functions?

"Let's try to identify the serious and the light cover requirements and go for nominals in the latter.

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25X1C



"I agree I should follow up on 29 July 1975 letter.

"Maybe make this a USIB or IRAC issue to generate some allies and some weight."

On 1 December the SA/DDO wrote General Wilson (SA/DDO-75-134), noting that purposes of a SSC/HSC presentation could be met by revising the paper provided the DCI on 24 November (eliminating paras. 1, 2 and 6).

The D/DCI/IC passed the DCI comments of 26 November to the SA/DDO on 9 December (DCI/IC 75-3991) for action, leaving it to his judgment as to whether the Task Group should be involved further.

No. 16: How can timely adoption of new legislation on intelligence be expedited?

Richard Lehman's draft "The Problem of Timing" was discussed at the 4 November Task Group meeting. A somewhat revised paper, "Timing of New Legislation on Intelligence," was forwarded to the DCI on 7 November (DCI/IC 75-3948). The thrust was a series of actions the DCI should suggest to the President that the White House undertake.

The DCI responded on 10 November with the comment: "I think we would do better to develop our legislative list and our reactions to anticipated initiatives by others." This comment was passed to Mr. Lehman on 13 November (DCI/IC 75-3958), with a notation that a separate paper addressing the problem of possible topics for legislation was being undertaken by ICS/OLC/OGC/Review Staff.

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The "legislative notebook" which the DCI sent to Jack [redacted] and the IGC members on 28 November included several tabs directly relating to this matter:

Tab A: Areas of potential legislation relating to the Intelligence Community.

Tab B: A matrix of topics of potential legislation and thus far identified positions concerning such topics

Tab C: Major CIA legislative objectives


Tab D: Background comments relating to legislative proposals concerning oversight and control of intelligence activities

Tab E: Issues raised by the Senate Select Committee

Tab F: Issues raised by the House Select Committee

No further Task Group action on this topic is indicated.

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Major General, USAF (Ret.)
Chief, Coordination Staff, ICS

TRANSMITTAL SLIP		DATE 14 Jan 76
TO: Mr. John McMahon		
ROOM NO. 7D54	BUILDING Hq.	
REMARKS: FYI		
FROM: D/DCI/IC		
ROOM NO. 7D59	BUILDING Hq	EXTENSION 4216
FORM NO. 241 1 FEB 55		REPLACES FORM 36-8 WHICH MAY BE USED. (47)

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TO	NAME AND ADDRESS	DATE	INITIALS
1	General Wilson		
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ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

The attached report on Task Group handling of the "Issues and Answers" topics supplements the earlier memo on the handling of "Sensitive Issues and Allegations" topics.

I have provided no one else a copy.

Suggest you might wish to provide John McMahon, as your vice chairman, a copy of each.

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